

REMARKS/ARGUMENTS

Claims 1-9 are pending in this application, with claim 1 being the only independent claim. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claim Amendments

Claim 1 is amended to clarify that “said pump is mountable to said base in at least two different mounting positions, wherein said pump is configured so that said pump is operable in each of said at least two different mounting positions for pumping oil through said inflow and outflow lines for setting the predetermined height of the motor vehicle body”. Figs. 8 and 9 and the accompanying description in paragraphs 0021 and 0022 of the specification disclose this feature.

Dependent claims 5, 6, and 7 are amended to be consistent with the amendments made to independent claim 1.

Dependent claim 8 is added to recite that the pump is rotated from a first mounting position to a second mounting position, and dependent claim 9 is added to recite that the rotation is 180 degrees between the two mounting positions.

Rejections of the Claims

Claims 1-4, 7 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2001/0032462 (Beck ‘462).

Claims 1-7 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,945,663 (Duckett).

Claims 1-5 and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Beck ‘462 in view of U.S. Patent No. 6,494,441 (Beck ‘441).

Independent claim 1 now recites that the pump is mountable on the base in two different mounting positions and that the pump is configured so that it is operable in each of the two different mounting positions for pumping oil through said inflow and outflow lines for setting the predetermined height of the motor vehicle body.

Beck '462 is a published application and discloses a suspension system for motor vehicles. This application issued as U.S. Patent No. 6,553,761 which is referred to in the background section of the present application (see paragraphs 0002 and 0003 of the present application). The pump 22 of Beck '462 is mountable in only one mounting position in which the pump is operable. Accordingly, independent claim 1 is not anticipated by Beck '462.

Duckett discloses a leveling strut in which the pump is not mounted, but only connected to the strut. Since the claims now clarify that the pump is mountable on the base, Duckett does not anticipate independent claim 1.

Regarding Beck '441, this reference discloses a self-pumping hydropneumatic spring strut with internal leveling. The Examiner states that Beck '441 teaches that a pump can be mounted in more than one position. Applicant agrees that Beck shows different embodiments in which the pump is mounted in different locations. However, independent claim 1 now specifically recites "said pump is configured so that said pump is operable in each of said at least two different mounting positions for pumping oil through said inflow and outflow lines for setting the predetermined height of the motor vehicle body". In contrast, Beck '441 discloses that the pump in each embodiment is configured for only the mounting position of that specific embodiment. Accordingly, independent claim 1 is allowable over Beck '462 in view of Beck '441.

Dependent claims 2-9, are allowable for at least the same reasons as is independent claim 1, as well as for the additional recitations contained therein.

Applicant notes that claim 6 has not been rejected by the Examiner as obvious over Beck '462 in view of Beck '441.

Furthermore, none of the prior art of record discloses that the pump can be rotated from one mounting position to another, wherein the pump is operable in each of the positions as now recited in dependent claims 8 and 9.

In view of the above amendments and remarks, the application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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